

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

DANIEL LEVI COLE,

Plaintiff,

v.

Case No. 2:20-cv-524-FtM-38NPM

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

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**ORDER**

Before the Court are Defendant's Opposed Motion for Stay of Proceedings (Doc. 13) and Plaintiff's Response (Doc. 15). In this Social Security case, Defendant requests the Court stay the proceedings for ninety days or until such time as the Agency regains capacity to produce a certified transcript of the administrative record necessary to draft an answer and adjudicate the case. (*Id.*, p. 1). Due to the current situation in this country, Defendant represents the Agency has transitioned to a telework environment, but encountered difficulties that impact the operations of the Social Security Administration's Office of Appellate Operations. (*Id.*, pp. 1-3). While Plaintiff opposes the ninety-day stay because Defendant has not provided a specific status regarding the transcript in this case, Plaintiff suggests a thirty-day stay is more reasonable. (Doc. 15, pp. 3).

A court has broad discretion whether to stay a proceeding “as an incident to its power to control its own docket.” *Clinton v. Jones*, 520 U.S. 681, 706-707 (1997). The court must weigh the benefits of the stay against any harms of delay. *Id.* at 707. Here, the Commissioner has provided good cause to extend the deadline to file the certified transcript and answer. But the Court finds a ninety-day extension would cause undue delay. The Court will extend the deadline to file the certified transcript and answer by sixty days.

Accordingly, it is **ORDERED** that the Opposed Motion for Stay of Proceedings (Doc. 13) is **GRANTED in part**. The Court extends the deadline for Defendant to file a certified transcript and answer to **January 4, 2021**.

**DONE** and **ORDERED** in Fort Myers, Florida on November 13, 2020.

  
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NICHOLAS P. MIZELL  
UNITED STATES MAGISTRATE JUDGE